

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the Final Office Action dated January 28, 2008 and the Advisory Action dated April 25, 2008. Claims 1-3, 7-9, and 17-20 stand rejected. Claims 4-6 and 11-16 were previously withdrawn from consideration. After entry of the amendments made herein, claims 1-24 are pending in the instant application. Reconsideration of the claims as amended is respectfully requested in light of the remarks made herein.

I. Rejection of Claims 1-3, 7, and 8 Under 35 U.S.C. §102(b) Over Cristy

The Examiner first rejected claims 1-3, 7, and 8 under 35 U.S.C. §102(b) as being anticipated by Cristy, United States Patent No. 4,074,474. In rejecting the claims, the Examiner concluded that Cristy includes means for fixedly connecting an upper portion of an enclosure to a lower portion of an enclosure.

Applicant respectfully submits that the element pointed to by the Examiner as means for fixedly connecting is a bolt 184. The bolt 184 of Cristy is not explicitly described in the specification of Cristy. However, it is apparent that a bolt 184 is a portion of an intermediate support body 180, which is described in Cristy as comprising a pair of wood rings 182 and 183, which are secured by bolting or gluing. The support body 180 is adjustably supported by an airbag 172 so that the support body 180 may move with respect to the inner and outer cylinders 142, 144 of Cristy.

The Examiner and the Applicant seem to agree that the means for fixedly connecting of Cristy does not prevent relative movement of the upper and lower housing portions of Cristy. However, the Examiner contends that the means for fixedly connecting as stated in claim 1 means only that the elements are connected, not that the elements are not moveable relative to one another. Applicant has previously explained, in the Request for Reconsideration dated March 25, 2008, that the Examiner's

interpretation of “fixedly” is incorrect.

In addition to the foregoing, the claim limitation, before the amendments made herein, states “for fixing the position of said upper portion of said enclosure with respect to said lower portion of said enclosure.” Applicant respectfully submits that the Examiner has failed to give this language meaning, and that doing so would render the stated rejection improper. Surely, the Examiner does not contend that fixing the position of one element with respect to another element allows those elements to move with respect to one another.

In light of the foregoing, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-3, 7, and 8 over Cristy, as Cristy does not show means for rigidly connecting an upper portion of an enclosure to a lower portion of an enclosure for fixing the position of the upper portion of the enclosure with respect to the lower portion of the enclosure.

With regard to claim 3, Applicant submits that the rejection fails to recite all of the elements of the claim. In particular, Cristy fails to disclose the bearing member of claim 3 for at least the following reasons:

1. The bearing member 14 of Cristy is not disposed within the enclosure 180, 182, 186, 188, 142, 144, 150, 160, 183, as required by claim 3;
2. The bearing member 14 of Cristy cannot be considered to be in contact with the support member 172 of Cristy, as required by claim 3, since the elements identified by the Examiner as the anchor ring and enclosure of Cristy are disposed between the elements identified as the bearing member and support member of Cristy;
3. The bearing member 14 of Cristy cannot be considered to be adjustably connected to the anchor ring 183 of Cristy, since the elements 180, 184 of Cristy asserted by the

Examiner as providing adjustment are simply portions of the intermediate support body 180 of Cristy, and the specification of Cristy does not support that these elements are adjustably connected to one another.

In view of the foregoing deficiencies in the rejection of claim 3, Applicant further requests that the rejection of claim 3 be withdrawn.

II. *Rejection of Claims 9 and 17-20 Under 35 U.S.C. §103(a) Over Cristy*

The Examiner next rejected claims 9 and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Cristy. The Examiner asserted that Cristy discloses all of the elements of claims 9 and 17-20, except for a plurality of fasteners to connect the bearing member to the anchor ring. However, the Examiner stated that it would have been obvious to replace the single fastener shown in Cristy with a plurality of fasteners.

The rejection of claim 9 is deficient on two separate grounds.

First, Cristy does not render obvious the plurality of fasteners as stated in claim 9. Claim 9 requires that the fasteners connect the bearing member to the anchor ring for vertical adjustment of the anchor ring with respect to the bearing member. The relevant portions of Cristy are a pair of wood rings 182 and 183, which are secured to one another by a bolt 184. These elements, in combination, comprise the circular-shaped, intermediate support body 180 of Cristy. Quite simply, the circular-shaped, intermediate support body 180 is a pair of wooden rings connected together to create a body with a stepped profile. There is no teaching or suggestion in Cristy that these elements are adjustably connected to one another. Furthermore, the Examiner's contention that the plurality of fasteners could be nails vitiates adjustability. The Examiner's assertion is not supported by substantial evidence, and is improper (Cristy, Col. 5, line 65 – Col. 5, line 12).

Second, claim 9 requires a support member in contact with a bearing member. As previously explained in the context of claim 3, the support member and bearing member of Cristy, as identified by the Examiner, are separated by intervening elements and thus are not in contact with one another. Any attempt by the Examiner to contend that these elements are in contact with one another through other elements is an attempt to ignore a limitation of this claim and is improper.

In addition to the above-cited distinctions, Applicant has amended claim 9 to state that the plurality of fasteners connect the bearing member to the anchor ring in a vertically spaced relationship. This feature is not disclosed by Cristy.

In view of the foregoing, Applicant respectfully requests that the rejection of claim 9 and its dependent claims 17-20 be withdrawn.

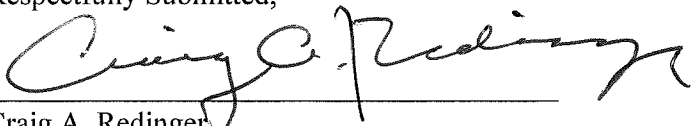
III. *New Claims*

Applicant submits herewith new claims 21-24. Claims 21-24 are supported by Applicant's specification and drawings as filed. Applicant respectfully submits that the subject matter stated in claims 21-24 is not shown or described in any of the references of record. Accordingly, Applicant believes that claims 21-24 should be patentable.

V. *Conclusion*

If the Examiner has any questions or comments regarding this matter, Applicant's undersigned counsel may be reached at (734) 662-0270 or by electronic mail at redinger@ybpc.com.

Respectfully Submitted,



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